

Subpart B—Selection of Peer Review Panels

§ 702.10 What are the characteristics of peer reviewers?

(a) The Assistant Secretary selects each peer reviewer. Each peer reviewer must have the necessary knowledge and expertise in the area of the project being reviewed to evaluate the performance of a recipient. This experience may include—

(1) Expert knowledge of subject matter in the area of the activities to be reviewed;

(2) Expert knowledge of theory or methods or both in the area of the activities to be reviewed;

(3) Practical experience in the area of the activities or type of institution or both to be reviewed;

(4) Knowledge of a broad range of education policies and practices;

(5) Experience in managing complex organizations; or

(6) Expertise and experience in evaluation theory and practice.

(b) Each peer reviewer must be free of conflict of interest, as determined in accordance with § 702.11 or § 702.12.

(c) The Assistant Secretary may solicit nominations for peer reviewers from professional associations, nationally recognized experts, and other sources.

(d) OERI and other Department staff who possess the qualifications in paragraphs (a) and (b) of this section may serve as peer reviewers only in exceptional circumstances as determined by the Assistant Secretary.

(Authority: 20 U.S.C. 6011(i)(2)(B))

§ 702.11 What constitutes a conflict of interest for grants and cooperative agreements?

A peer reviewer assessing the performance of the recipient of a grant from or cooperative agreement with OERI is considered an employee of the Department for the purposes of conflict of interest analysis. As an employee of the Department, the peer reviewer is subject to the provisions of 18 U.S.C. 208, 5 CFR 2635.502, and the Depart-

ment's policies used to implement those provisions.

(Authority: 20 U.S.C. 6011(i)(2)(B))

§ 702.12 What constitutes a conflict of interest for contracts?

A peer reviewer assessing the performance of the recipient of a contract with OERI is considered an employee of the Department in accordance with the Federal Acquisition Regulation (FAR), 48 CFR 3.104-4(h)(2). As an employee of the Department, the peer reviewer is subject to the provisions of the FAR, 48 CFR Part 3, Improper Business Practices and Personal Conflict of Interest.

(Authority: 41 U.S.C. 423)

§ 702.13 How are peer reviewers selected for panels?

(a) The Assistant Secretary assigns peer reviewers to panels that conduct the performance assessments.

(b) The Assistant Secretary may establish panels by category of recipient, such as a panel to review the performance of all Regional Educational Laboratories. Each recipient is evaluated individually by reviewers who have been assigned to this type of panel.

(c) In establishing panels, the Assistant Secretary, to the greatest extent feasible, selects peer reviewers for each evaluation who represent a broad range of perspectives.

(Authority: 20 U.S.C. 6011(i)(2)(B))

Subpart C—The Evaluation Process

§ 702.21 How does a peer review panel evaluate the performance of a recipient?

(a) In each evaluation, a peer review panel—

(1) Considers relevant information about the recipient's performance, as described in §§ 702.22 and 702.23; and

(2) Makes judgments about the recipient's performance, using the criteria in § 702.24.

(b) Each peer reviewer prepares a report based on the reviewer's assessment of the quality of the project according to the evaluation criteria.